

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

April 20, 2021

1:01 p.m.

MEMBERS PRESENT

Representative Grier Hopkins, Chair
Representative Sara Hannan, Vice Chair
Representative Ivy Spohnholz
Representative Harriet Drummond
Representative Tom McKay
Representative Kevin McCabe
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 87

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

HOUSE BILL NO. 166

"An Act relating to the issuance of vehicle registration plates."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 87

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(s): REPRESENTATIVE(s) WOOL

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	TRA, JUD
04/20/21	(H)	TRA AT 1:00 PM BARNES 124

BILL: HB 166

SHORT TITLE: ONE LICENSE PLATE PER VEHICLE

SPONSOR(s): REPRESENTATIVE(s) MCCABE

04/07/21	(H)	READ THE FIRST TIME - REFERRALS
----------	-----	---------------------------------

04/07/21 (H) TRA, FIN
04/20/21 (H) TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

ASHLEY CARRICK, Staff
Representative Adam Wool
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 87 on behalf of Representative Wool, prime sponsor.

JEFFREY SCHMITZ, Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 87 and HB 166.

REPRESENTATIVE ADAM WOOL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, provided information regarding HB 87.

REPRESENTATIVE MCCABE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 166.

WILLIAM GAMBLE, Staff
Representative Kevin McCabe
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 166 on behalf of Representative McCabe, prime sponsor.

ERIC OLSEN, Lieutenant
Alaska State Troopers
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 166.

ACTION NARRATIVE

[1:01:14 PM](#)

CHAIR GRIER HOPKINS called the House Transportation Standing Committee meeting to order at 1:01 p.m. Representatives McCabe, McKay, Drummond, Cronk, Hannan, and Hopkins were present at the call to order. Representative Spohnholz arrived as the meeting was in progress.

HB 87-ELECTRIC-ASSISTED BICYCLES

[1:02:17 PM](#)

CHAIR HOPKINS announced that the first order of business would be HOUSE BILL NO. 87, "An Act relating to electric-assisted bicycles."

[1:03:15 PM](#)

ASHLEY CARRICK, Staff, Representative Adam Wool, Alaska State Legislature, presented HB 87 on behalf of Representative Wool, prime sponsor. Ms. Carrick noted that a previous iteration of HB 87 was House Bill 123, which made it to the Senate floor during the Thirty-First Alaska State Legislature, at which point the session was adjourned early due to the COVID-19 pandemic. She stated that HB 87 would define "electric-assisted" bicycles in statute, as is done presently in 33 other states. She said "this effort" is supported by local municipalities. She specified that the new statute would focus solely on those electric-assisted bicycles that are human-propulsion bicycles, with no more than 750 watts of power, and which provide assistance only when a rider is pedaling up to a maximum speed of 28 miles per hour (mph).

MS. CARRICK gave a PowerPoint presentation [hardcopy included in the committee packet], which shows the bill sponsor's intent that electric-assisted bicycles be regulated as bicycles, that statute be updated to reflect technological advances, and to bring clarity to consumers and retailers regarding electric-assisted bicycle laws. She drew attention to a slide that reiterated the definition she gave previously of an electric-assisted bicycle. Another slide shows which states define electric-bicycles. Those that use a "strict definition," she said, are depicted in green, while those in yellow are states that use a three-tiered classification system. She noted that the request for the bill came from "People for Bikes," a group that is lobbying for three different classes of electronic-assisted bicycles: Class 1, equipped with a motor providing assistance only when a rider is peddling up to 20 mph; Class 2,

equipped for bicycles with a motor ceasing to provide assistance when a rider reaches 20 mph, whether or not the rider is pedaling; and Class 3, equipped with a motor providing assistance when pedaling only, and ceasing to provide assistance only when the bicycle reaches 28 mph. She clarified that the definition of electric-assisted bicycle in HB 87 would include Class 1 and 3 only, not Class 2. Ms. Carrick offered a correction to the map, which should be updated to reflect there are currently 33 states with statutes defining electric-assisted bicycles.

[1:08:44 PM](#)

MS. CARRICK, in response to Representative Hannan, said under HB 87, Alaska would be added to the map in the category of green states, since it would not include all three classes. In response to a follow-up question, she indicated that the tiers are used in retail and in policy-making to distinguish between different bicycle types.

[1:10:55 PM](#)

MS. CARRICK, in response to a question from Chair Hopkins as to the reason behind the 28 mph threshold, said that is the typical threshold in manufacturing of electric-assisted bicycles, from 20 to 28 mph.

[1:11:45 PM](#)

MS. CARRICK returned to the PowerPoint and turned to the remaining slides, which show photos of electric-assisted bicycles, as well as those which are not, such as mopeds and electric scooters, which do not have pedals to operate.

[1:14:23 PM](#)

CHAIR HOPKINS asked what type of registration, if any, would be required for those bicycles that do require the rider to move the pedal to ride.

[1:14:35 PM](#)

JEFFREY SCHMITZ, Director, Division of Motor Vehicles, Department of Administration, indicated there is question as to whether a [Class] 2 bike is considered to be a motorcycle, and at times DMV staff must call the manufacturer to ask; however, if it falls into the category of an electronic-assisted bicycle,

then it falls outside the scope of the DMV and is not registered.

1:15:40 PM

MR. SCHMITZ, in response to Representative Hannan, said it is rare that the DMV would be asked by someone into which category his/her bike falls. In response to a follow-up question regarding feedback from other states, he said many states handle this issue differently, to the point that the Association of Motor Vehicle Administrators has sought clarification nationwide as to what a best practice would be. Currently each state is deciding on its own; within each state, much of the decision-making is being left up to local jurisdictions. He said this is "an emerging area." He reiterated that information can come from the manufacturer and, if it's not a motorcycle, it falls outside the scope of the DMV.

1:18:50 PM

MS. CARRICK, upon invitation of Chair Hopkins, provided the sectional analysis for HB 87, which read as follows [original punctuation provided]:

This bill amends Titles 19, 28, and 41 of the Alaska Statutes.

Section 1 (page 1) Amends AS 19.10.399(9) to state that the definition of motor vehicle excludes electric-assisted bicycles

Section 2 (page 1) Amends AS 19.10.399 (16) to state that electric-assisted bicycles are to be regulated as bicycles in regards to operation on a way, path, or area

Section 3 (page 1-2) Amends AS 28.05.011(a) states that electric-assisted bicycles should be regulated as bicycles in regards to rules of the road; also includes electric-assisted bicycle under an existing provision allowing municipal ordinances to separately regulate in this area

Section 4 (page 2-3) Amends AS 28.10.011 to state that an electric-assisted bicycle is not required to be registered as a vehicle

Section 5 (page 3) Amends AS 28.90.990(a)(12) to state that an electric-assisted bicycle does not fall under the definition of an "electric personal motor vehicle"

Section 6 (page 3) Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of a "motor vehicle"

Section 7 (page 4) Amends AS 28.90.990(a)(20) to state that an electric-assisted bicycle does not fall under the definition of a "motor-driven cycle"

Section 8 (page 4) Adds a new definition as AS 28.90.990(a)(34) to define an electric-assisted bicycle as a bicycle that is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, and is equipped with an electric motor that has a power output of not more than 750 watts, provides assistance only when the rider is pedaling, and ceases to provide assistance to the rider when the bicycle reaches a speed of 28 miles per hour.

Section 9 (page 4) Amends AS 41.23.300 to state that electric-assisted bicycles are to be regulated as bicycles in regards to operation in public use areas.

[1:22:29 PM](#)

REPRESENTATIVE ADAM WOOL, Alaska State Legislature, as prime sponsor of HB 87, shared the story that instigated the legislation, where an individual was pulled over and told he needed a license to operate an electric-assisted bicycle he was riding. The proposed legislation would clarify that someone riding an electric-assisted bicycle does not need a license. In response to Representative Hannan, he offered his understanding that the man did not get arrested but had to walk the bike home.

[1:25:09 PM](#)

MR. SCHMITZ, in response to a question about the clarity needed regarding Class 2, which is not covered under HB 87, reiterated that if the DMV came across a vehicle where there was question as to whether or not it was a bicycle or a motorcycle, then it would contact the manufacturer.

[1:27:33 PM](#)

REPRESENTATIVE WOOL, in response to Representative Hannan, agreed that the crux of the issue is to be able to determine whether a vehicle requires registration. He pointed out that the Class 2 has pedals but does not require their use, whereas the Class 1 and 3 electric-assisted bicycles require use of the pedals to engage the electric-assist feature of the bicycles. Certain municipal ordinance may still ban electric-assisted bicycles from bicycles paths; however, most allow both traditional pedal bicycles and electric-assisted bicycles on the paths.

[1:29:39 PM](#)

CHAIR HOPKINS opened public testimony on HB 87. After ascertaining there was no one who wished to testify, he closed public testimony.

[1:29:54 PM](#)

CHAIR HOPKINS announced that HB 87 was held over.

HB 166-ONE LICENSE PLATE PER VEHICLE

[1:30:26 PM](#)

CHAIR HOPKINS announced that the final order of business would be HOUSE BILL NO. 166, "An Act relating to the issuance of vehicle registration plates."

[1:30:45 PM](#)

The committee took an at-ease from 1:30 p.m. to 1:31 p.m.

[1:31:35 PM](#)

REPRESENTATIVE MCCABE, Alaska State Legislature, as prime sponsor, presented HB 166. He indicated the bill would change a requirement of "two [license] plates per vehicle" to "one plate." Removing the requirement for license plates displayed on the front of vehicles would result in fiscal savings of \$332,000, with virtually no other effect. He said there are 20 other states that do not require a front license plate, with others following suit. He said some negative factors of having to add a front license plate where there is no factory made holder for one is having to drill into a bumper, which can lead to rust and, in some newer vehicles, can interfere with sensor

technology. Further, electric cars do not require as much room up front in design, thus there is less room for front license plates on them.

1:35:45 PM

REPRESENTATIVE MCCABE allowed there are some public safety concerns. Alaska State Troopers gave an example of someone pulling up to a convenience store with plans to rob the store, and the camera on the storefront captures the license plate on the front of the vehicle. He suggested that concern may be minimized when considering that a criminal may use a stolen vehicle or take the plates off before using the vehicle. He offered his understanding that the front plate is the plate most typically stolen by thieves, because it is the least likely of the two plates to be noticed missing by the vehicle owner.

1:38:07 PM

WILLIAM GAMBLE, Staff, Representative Kevin McCabe, Alaska State Legislature, on behalf of Representative McCabe, prime sponsor of HB 166, presented the sectional analysis [hard copy included in the committee packet] which read as follows [original punctuation provided]:

Section 1: Amends AS 28.10.108(g) to make all references to "plates" and "registration" singular.

Section 2: Amends AS 28.10.108(h) to make all references to "plates" singular.

Section 3: Amends AS 28.10.155(a) to make all references to "plates" singular.

Section 4: Grammatically amends AS 28.10.161(a) to conform with the singular intent of the bill.

Section 5: Amends AS 28.10.161(b) adds conforming language for a singular plate.

Section 6: Adds a subsection to AS 28.10.161 that provides an individual or organization the option to return a plate should they be issued two plates.

Section 7: Grammatically amends AS 28.10.181(b) to conform with the singular intent of the bill.

Section 8: Amends AS 28.10.181(j) to make all references to "plates" singular.

Section 9: Amends AS 28.10.121(d)(9) to make all references to "plates" singular. Section 10: Amends AS 28.10.441 to make all references to "plates" singular.

1:39:34 PM

REPRESENTATIVE MCCABE, in response to Representative McKay, reiterated that the projected savings under HB 166, as reflected on the fiscal note from the DMV, would be \$332,000.

1:40:10 PM

REPRESENTATIVE MCCABE, in response to Representative Spohnholz, said since HB 166 is "a state bill," he did not speak with any local law enforcement personnel in his district; he spoke with Alaska State Troopers. He said he spoke with Lieutenant Eric Olsen. He said law enforcement would want as many identifying features on a vehicle as possible. He said he did not discount that factor, but indicated his focus was on cost savings. He noted that statewide the number of citations issued amount only to one each in 2018 and 2019, and five in 2020, for a missing front license plate. He suggested that if the law is not being forced, then why not save the money for the state?

REPRESENTATIVE SPOHNHOLZ emphasized keen interest in the view of law enforcement on this issue. She added that just because citations aren't being issued over a missing front license plate doesn't mean front plates are not a useful investigative tool.

1:44:16 PM

ERIC OLSEN, Lieutenant, Alaska State Troopers, Department of Public Safety, emphasized that the front license plate is an important means by which to identify a vehicle. During surveillance, sometimes the front of the vehicle is all that is visible. When there are numerous vehicles of the same make, model, and color, the license plate becomes an important distinguisher. In terms of plates being stolen, he said either get swiped - front or back. He talked about the front license plate playing a role in getting search warrants. He said there are many places in the state where citizens have to file their own police reports, and photos help the troopers corroborate. Photos are taken for that purpose and to submit to insurance companies. He emphasized an important use of the license plate

in someone calling in a dangerous driver, and he pointed out that sometimes the caller has a view only of the front of the vehicle. Likewise, in cases of heinous crimes, witnesses have sometimes identified suspects for law enforcement via identifying the front license plate. Further, officers at times will locate a stolen vehicle traveling the opposite direction by spotting the front license plate. Sometimes that leads to a traffic stop where stolen goods or narcotics are found in the vehicle. He indicated cameras have recorded front license plates, which saves time, money, and manpower for law enforcement.

1:50:28 PM

LIEUTENANT OLSEN, in response to Chair Hopkins, said the Department of Public Safety holds no position regarding HB 166. He added, "However, we do support any laws and regulations pertaining to public safety." In response to a question from Representative Hannan, he confirmed that the department's Alaska State Troopers do not utilize cameras to read license plates at intersections, and he deferred to municipalities as to their use of such cameras.

1:52:30 PM

REPRESENTATIVE MCCABE, in response to a question from Representative Drummond regarding the revenue-making aspect of the DMV, explained that unlike in some other states, the Alaska DMV charges a fee for registration but does not charge for the license plates; therefore, there would be no loss in revenue and there would be the aforementioned savings [of \$332,000].

REPRESENTATIVE DRUMMOND questioned how it would be an annual savings thereafter, "because once they stop spending it they don't need to stop spending it in subsequent years."

1:55:07 PM

JEFFREY SCHMITZ, Director, Division of Motor Vehicles, Department of Administration, said the fiscal note from the DMV reflects a savings of 50 percent off what the division would spend in a normal year, which is \$664,000 for the production of license plates into its inventory. The fiscal note shows that when the number of plates is cut in half, so, too, is the expenditure of the division. He allowed that it depends on "how you look at it." One way is that if HB 166 is not passed, then the annual cost for the inventory to cover two plates per

vehicle would be \$664,000 in perpetuity; if the bill passes, then the amount would be \$332,000 annually.

MR. SCHMITZ, in response to Chair Hopkins, noted that the division's "plate contract" is up for renewal in summer 2021, so this would be a good time to adjust the inventory requirements from the producer of the license plates.

[1:57:01 PM](#)

REPRESENTATIVE CRONK expressed willingness to offer a conceptual amendment to include an effective date, since currently there was not one.

CHAIR HOPKINS told Representative Cronk there would be a date set for amendments; therefore, he asked him to wait to offer an amendment rather than offering a conceptual one now.

[1:57:46 PM](#)

CHAIR HOPKINS asked whether not having a front plate currently could be a violation of probation.

LIEUTENANT OLSEN answered yes, it could be reported to a probation officer.

[1:58:49 PM](#)

CHAIR HOPKINS opened public testimony on HB 166. After ascertaining there was no one who wished to testify, he closed public testimony.

[1:59:01 PM](#)

CHAIR HOPKINS announced that HB 166 was held over.

[1:59:49 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at [2:00] p.m.